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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 DEREK ALLEN LEWIS,

8 Plaintiff,

9 v.

10 YAKIMA COUNTY, YAKIMA
11 COUNTY JAIL, OFFICER
12 GOETTSCH and OFFICER L.
MERRIMAN,

13 Defendants.

NO. 1:19-CV-3218-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE

14 BEFORE THE COURT is the Court's Order to Comply with Filing Fee
15 Requirements. ECF No. 8. The Court has reviewed the record and files herein,
16 and is fully informed. For the reasons discussed below, this action is dismissed
17 without prejudice.

18 Plaintiff mailed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983
19 from the Yakima County Jail on August 5, 2019, which was not received until
20 September 16, 2019. ECF No. 1-2. Plaintiff sought leave to proceed *in forma*

1 *pauperis* but did not sign his application as required by Rule 11(a), Federal Rules
2 of Civil Procedure. ECF No. 2 at 2.

3 By letter dated September 16, 2019, the Clerk of Court advised Plaintiff of
4 this deficiency and directed him to sign and return the signature page of his *in*
5 *forma pauperis* application. ECF No. 5. This letter and accompanying document
6 were initially addressed to Plaintiff at the Yakima County Jail, but were
7 electronically regenerated to Plaintiff at the Washington Corrections Center on
8 September 17, 2019. ECF No. 6. On September 24, 2019, the Court was notified
9 that Plaintiff was housed at the Monroe Correctional Complex. ECF No. 7.

10 Plaintiff did not cure the deficiency of his omitted signature and the Court
11 struck his application to proceed *in forma pauperis* pursuant to Rule 11(a). ECF
12 No. 8. The Court then advised Plaintiff that he must either pay the applicable fee
13 of \$400.00 (\$350.00 filing fee, plus \$50.00 administrative fee) or comply with the
14 *in forma pauperis* statute, 28 U.S.C. § 1915(a)(2). *Id.* The Court warned Plaintiff
15 that unless he filed a completed a signed Declaration and Application to proceed *in*
16 *forma pauperis* within 21 days or alternatively, paid the full \$400.00 filing fee, his
17 case would be dismissed. No filing fee or *in forma pauperis* application has been
18 filed.

19 Parties filing actions in the United States District Court are required to pay
20 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate

1 payment of a filing fee only upon granting of in forma pauperis status. *See* 28
2 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of
3 these actions without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th
4 Cir. 1995) (district court has authority to dismiss without prejudice prisoner
5 complaint for failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890
6 (9th Cir. 1992) (affirming dismissal of appeal of pro se litigant for failure to pay
7 required filing fees).

8 **ACCORDINGLY, IT IS HEREBY ORDERED:**

9 This action is DISMISSED without prejudice for failing to pay the filing fee
10 or filing a properly completed Application to Proceed In Forma Pauperis pursuant
11 to 28 U.S.C. §§ 1914(a) and 1915(a).

12 The District Court Executive is directed to enter this Order, enter judgment
13 accordingly, furnish a copy to Plaintiff, and **CLOSE** the file.

14 **DATED** January 15, 2020.



Thomas O. Rice
THOMAS O. RICE
Chief United States District Judge